

20 JUN 1971

Judge Who Backed Post Known For His Controversial Decisions

Special to The New York Times

WASHINGTON, June 19— The decision forced Mr. Boyle's controversial decisions are almost routine for Gerhard Alden Gesell, the Federal District judge who late last night refused a Government request to halt The Washington Post's publication of a series of articles based on a Pentagon study.

It was not the first time that the 61-year-old judge had made a decision of potentially far-reaching consequence. Two years ago, he ruled that the District of Columbia's abortion law was too restrictive, and he broadened it to permit abortions virtually at a physician's discretion. The ruling was not allowed to stand by the Supreme Court.

More recently, the judge, a Democrat and a graduate of Yale Law School, ruled that the United Mine Workers president, W. Anthony Boyle, and several others were guilty of misuse of union welfare funds.

One friend has said of the judge that perhaps his most impressive quality as a jurist is "his willingness and desire to come to grips with the issue in a case, and to rule on the substance rather than duck it, instead of seizing on a technicality to avoid a ruling."

His incisiveness may be a result of a legal expertise gained during more than 25 years of law practice in Washington, where he was a member and later a partner of Covington & Burling, one of Washington's most renowned law firms.

The white-haired, pink-checked judge, the son of the famous pediatrician, Dr. Arnold Gesell, is noted for his equanimity in court, but is said to be a "stickler for protocol" in his chambers.